

State of Wisconsin

Circuit Court

Manitowoc County

STATE OF WISCONSIN

D. A. Case No. 2005CA000604

Agency Case No. 05-0157-955

Plaintiff,

-VS-

ORIGINAL FILED

NOV - 9 2005

CRIMINAL COMPLAINT AND WARRANT

Steven A. Avery
12932 Avery Road
Two Rivers, WI 54241
DOB: [REDACTED] 1962
Sex/Race: M/W

CASE NO: _____
LYNN ZIGMUNT
CLERK OF CIRCUIT COURT
MANITOWOC COUNTY, WISCONSIN

Case No. 05 CF 375

Defendant,

Thomas Fassbender, of the State of Wisconsin Department of Justice, Division of Criminal Investigations, being first duly sworn, states that:

Count 1: POSSESSION OF A FIREARM BY A FELON

The above-named defendant on Friday, November 04, 2005, at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, did possess a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b), contrary to sec. 941.29(2)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

PROBABLE CAUSE:

Complainant states that he is an officer with the State of Wisconsin Department of Justice, Division of Criminal Investigations and bases this complaint upon the reports and investigations of Deputy Bill Tyson, Deputy Dan Kucharski of the Calumet County Sheriff's Department, and Steven A. Avery. The statements of Deputy Tyson and Deputy Kucharski are presumed to be truthful and reliable as made by sworn law enforcement officials. The statements of Steven A. Avery, which were made against his penal interests, are presumed truthful and reliable.

Complainant states that on Friday, November 4, 2005 Investigator Dave Remiker interviewed Steven A. Avery, DOB: [REDACTED] 1962. Upon speaking with Steven Avery, Avery stated that he resided at 12932 Avery Road, in the Town of Gibson, Manitowoc County, Wisconsin, and was at his residence until November 4, 2005, when he joined his family for a weekend trip to their cabin in Marinette County, Wisconsin.

On November 6, 2005 Deputy Tyson and Deputy Kucharski searched a bedroom in the trailer located at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, the residence of Steven A. Avery, Sr. Deputy Tyson located two firearms directly above the bed. Deputy Kucharski collected as evidence a .22 caliber semi-automatic rifle and a .50 caliber black powder muzzleloader. Deputy Kucharski noted that there was masking tape

attached to the muzzleloader with the name "Steve" written on it. Deputy Tyson located a desk in the same room, which contained numerous magazines addressed to Steven A. Avery, Sr. at 12932 Avery Road. Also located in Avery's unattached garage were 11 spent .22 caliber shell casings.

Your complainant has reviewed official files of the District Attorney's Office, which include a teletype of the defendant's prior criminal history as compiled in an NCIC CIB record. Complainant states that he has utilized said records in the past and has found them to be reliable. Complainant states that on March 23, 1981 Steven A. Avery, DOB: 7/9/1962 was convicted of Burglary, a felony, in Manitowoc County case no. 80-CR-773. Complaint also states that on November 23, 1982 Steven A. Avery was convicted of Burglary in Manitowoc County case no. 82-MD-371. Complainant also states that Steven A. Avery was convicted of Endangering Safety by Conduct Regardless of Life as a repeater and Felon Possessing Firearm as a repeater, both felony offenses, in Manitowoc County case no. 85-FE-3. Complainant states that said convictions remain of record and have not been reversed.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me,
and approved for filing on:

This 9th day of November, 2005.

Thomas J. Ruben
Complainant

K. R. Kratz
Kenneth R. Kratz
District Attorney (*Special Prosecutor*)

State Bar No. 1013996